



News & Types: Immigration Update

Check Your Form I-94 After International Travel

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Practices: Immigration

During the holiday season, more people travel internationally for family visits, vacations, or business trips. Upon returning to the U.S. from international travel, all travelers are eager to get home and relax after a long international trip. However, for foreign nationals who are residing, working or studying in the U.S. pursuant to a valid visa, there are some important steps that they should take after entry to the U.S. which will avoid possible headaches later on.

The Form I-94, Arrival/Departure Record, is electronically issued to travelers who are admitted to the U.S. by the U.S. Customs and Border Protection (CBP). Among other data, the Form I-94 contains the immigration classification under which the foreign national was admitted (for example, E-2, L-1B, F-1, etc.), and the expiration date of that classification/status. There is a common misconception that the visa expiration date controls the stay of a foreign national in the U.S. This is incorrect. The Form I-94 controls the stay of a foreign national in the U.S. and foreign nationals must exit the U.S. on or before the departure date listed on the Form I-94.

While the majority of the Form I-94s processed by CBP are accurate, CBP occasionally makes errors in data entry which can create major problems for foreign nationals. For example, the officer could enter the immigration status, date of entry or the expiration date incorrectly. If the I-94 has expired and even when the foreign national is not aware of this, the individual is deemed out of status which is a violation of immigration law and can lead to deportation or denial of future admission to the U.S. In addition, misspellings in names or passport numbers can result in foreign nationals being unable to retrieve their I-94s in CBP's electronic system. These issues could result in government agencies, such as the local driver's license facility or the Social Security Administration, being unable to verify the immigration status of the individual applying for a government benefit, and cause delays in the issuance of government documents.

To avoid these issues, all foreign nationals must remember to check their Form I-94s on CBP's I-94 retrieval website (<https://i94.cbp.dhs.gov/I94/#/home>) after entry to the U.S. to ensure that the CBP has properly recorded their admission. It is recommended that foreign nationals check their Forms I-94 on their phones before leaving the CBP inspection area or at baggage claim. The Form I-94 is updated online immediately after the CBP officer completes inspection. As a result, travelers should be able to check whether the Form I-94 was updated correctly while waiting at baggage claim. If you find errors on the Form I-94 at the airport, you then have the opportunity to return to CBP's Deferred Inspection office at the airport, located outside of the

Custom's area, and request a correction right away. If the error is not corrected right away, foreign nationals may need to call or visit the nearest Deferred Inspection office to request a correction.

In addition, it is highly recommended that travelers check the Forms I-94 for all family members traveling with them. Even if the principal visa holder's Form I-94 is recorded correctly, it is possible that members of his or her family may have mistakes on their Forms I-94. This is critical for dependent spouses who work in the U.S. On January 30, 2022, CBP started issuing a new Class of Admission (COA) for E-1, E-2, and L visa spouses, with the COA of E-1S, E-2S, and L-2S respectively. Dependent spouses must have their Forms I-94 with their COA stated as E-1S, E-2S, or L-2S in order to work. Since the implementation of the new COA, we have received many reports of incorrectly recorded Forms I-94 for E-1, E-2, and L-visa spouses.

If you find errors on your Form I-94 or cannot locate it, please contact one of our immigration attorneys.